

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

MARY SYKES,)

Plaintiff,)

vs.)

CITY OF PINE LAWN,)

SYLVESTER CALDWELL,)

Mayor,)

OLIMES UNDERWOOD,)

Alderman,)

CARLA WALKER,)

Alderman,)

NICHOLE JONES,)

Alderman,)

LAVERA FOWLER,)

Alderman,)

JIMMIE MOORE,)

Alderman,)

MAGGIE BISHOP,)

Alderman,)

MARY GRAY,)

Alderman,)

CHESTER BROWN,)

Alderman,)

BRIAN CUNNINGHAM,)

Building Administrator,)

Cause No:

Division No

JURY TRIAL DEMANDED

RAYMOND WINSTON,
Builder's Commissioner, and
STEVEN BLAKELY,
Pine Lawn Officer,
Defendants.
Serve: Serve City Clerk
Pine Lawn City Hall
6250 Steve Marre
St Louis, MO 63121

PETITION

Count 1 – Violation of 42 U.S.C. 1983

COMES NOW Plaintiff Mary Sykes and for Count I of her cause of action against the City of Pine Lawn, MO, Sylvester Caldwell, Brian Cunningham, and Steven Blakely, individually and in their official capacities, state to the Court as follows:

- 1) In June 2013 Plaintiff resided and at all times mentioned in this petition resided within the City of Pine Lawn, Missouri.
- 2) Defendant – Sylvester Caldwell is now, and at all times mentioned in this petition the mayor of Pine Lawn, a city located within St. Louis County located in Missouri.
- 3) Defendant – Building Administrator, Brian Cunningham, is now and at all times mentioned in this petition, a building administrator for the city of Pine Lawn within the State of Missouri.
- 4) Defendant – Builder's Commissioner, Raymond Winston, is now and at all times mentioned in this petition, a builder's commissioner for the city of Pine Lawn within the State of Missouri.

- 5) Defendant – Officer, Steven Blakely, is now and at all times mentioned in this petition, a police officer for the city of Pine Lawn within the State of Missouri.
- 6) Plaintiff – Mary Sykes was now and at all times a resident of the city of Pine Lawn.
- 7) 42 U.S.C. Section 1983 states in part: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”
- 8) On August 27, 2012 Mary Sykes , hereinafter Plaintiff, and Glen Sykes (husband) entered a lease agreement for the property located at [REDACTED] St. Louis, MO 63121.
- 9) The lease for the property was to begin September 1, 2012 and end August 31, 2013.
- 10) On December 5, 2012 a new one year lease was issued to Mary Sykes and Franshada Johnson to begin December 5, 2012.
- 11) On December 7, 2012 an occupancy permit was obtained for [REDACTED] from the City of Pine Lawn housing department.
- 12) On June 3, 2013 Brian Cunningham scheduled a meeting with the property landlord of [REDACTED] to evict the Plaintiff.
- 13) The original meeting was held to evict the Plaintiff for being a nuisance; however upon further investigation and reports from neighbors it was discovered that the Plaintiff was not a nuisance.
- 14) During the June 3, 2013 meeting after being informed of Eric Huber’s (the landlord) intent to not evict the Plaintiff, Officer Steven Blakely threatened to arrest Mr. Huber.

15) On June 3, 2013 a letter from Raymond Winston, the builder's commissioner, was hand delivered by Brian Cunningham to the Plaintiff stating that her occupancy permit had been revoked and she was to vacate the premises before June 10, 2013.

16) Plaintiff contacted Raymond Winston to try to resolve the issue and was told to contact the police department.

17) As a direct and proximate result of said acts of the Defendants, Plaintiff was suffered a loss of her property.

18) Plaintiff's property was taken from her without sufficient process. Plaintiff had a substantial property interest in the property located at [REDACTED] which she considered to be her home. She was not given an opportunity to attend or have a hearing on the topic of an occupancy permit and the risk of erroneous deprivation is high. Defendants, in acting under the Pine Lawn City Ordinance 500.050, as cited in the revocation letter, thereby deprived the Plaintiff of rights, privileges, or immunities secured by the laws of the United States as applied to Missouri through the Fourteenth Amendment.

WHEREFORE, Plaintiff prays for judgment for an amount in excess of \$25,000 from Defendant; for attorney fees and Plaintiff's costs, and for such other relief deemed just and proper under the circumstances.

Count 2 – Negligent Infliction of Emotional Distress

COMES NOW Plaintiff and for her cause of action states as follows:

- 1) In June 2013 Plaintiff resided and at all times mentioned in this petition resided within the City of Pine Lawn, Missouri.
- 2) Plaintiff restates, re-alleges, and incorporates by reference each of the allegations contained in Count I.

- 3) The Plaintiff, Mary Sykes, and her family have experienced ongoing harassment by local law enforcement at the instance and direction of defendants Mayor and Cunningham.
- 4) On June 12, 2013 two Pine Lawn officers followed Ms. Sykes' niece and her four young children into the Plaintiff's home.
- 5) Pine lawn officers entered Ms. Sykes' home on June 12, 2013 without permission or a warrant and issued citations for not having an occupancy permit after tazing and arresting other family members.
- 6) Plaintiff tried on numerous occasions to resolve the occupancy matter, but was not given the adequate information or opportunity to do so.
- 7) On May 30, 2013 Ms. Sykes attempted to provide Officer Steven Blakely with a copy of her occupancy permit when requested. When she entered her house to retrieve the receipt from purchasing the occupancy permit, Officer Blakely, along with other officers entered her property without permission or warrant, requested identification from everyone present and made arrest.
- 8) Officer Blakely was present at the meeting with the Building Commissioner and the landlord's housing assistant. The original plan was to evict Ms. Sykes based on nuisance claim but lacked proof. This is when an alleged lack of occupancy permit became the reason for eviction.
- 9) Officer Blakely threatened to lock up landlord Eric Huber if he did not evict Ms. Sykes.
- 10) On June 7, 2013 Ms. Sykes attempted to provide Mr. Winston with a copy of a letter pertaining to the occupancy permit for the property located at [REDACTED] and was told she could not leave the letter and that he was unavailable.

11) From June 2013 through November 2013 Pine Lawn officers continued to issue citations for not having an occupancy permit and harass Ms. Sykes and her family.

12) Ms. Sykes attempted on four different occasions to be heard at a fair hearing by Pine Lawn's Building Commission.

13) As a result of the harassment and stress endured by Ms. Sykes she has lost her job and was unable to leave her home due to fear of harassment by the police.

14) Officer Steven Blakely has a history with the Sykes family and a personal vendetta against Glenn Sykes, Mary Sykes' husband. As a result of the dismay for her husband the Plaintiff has had to endure harassment from Officer Blakely.

WHEREFORE, the City of Pine Lawn should have realized that their conduct involved an unreasonable risk of cause of distress to Ms. Sykes. Wherefore, Plaintiff prays for judgment for a sum in excess of \$25,000, attorney fees and Plaintiff's costs, and for such other relief deemed just and proper under the circumstances.

Count 3 – Punitive Damages

Comes now Plaintiff and for Count 3 of her petition states:

- 1) Plaintiff re-alleges and incorporates each and every allegation contained in Counts 1 and 2 in this Count 3.
- 2) Plaintiff further states that on several occasions she and family members were arrested and made to post bond to obtain release from custody.
- 3) That the arrests were wrongful, unconstitutional, without probable cause, and in violation of Plaintiff's civil rights, viz. incarceration without due process of law as guaranteed by the Fourth, Fifth, and Fourteenth Amendment to the United States Constitution of the United States of America, 42 U.S.C. §1983, 42 U.S.C. §1985, and other applicable laws.

- 4) The acts of Defendants as set forth above were intentionally wanton, malicious, evil, and oppressive, and/or exhibited a reckless indifference to both federal and state protected rights of Plaintiff, thus entitling Plaintiff to an award of punitive damages against the City of Pine Lawn and all Defendants in order to punish and to deter them and others similarly situated from like conduct in the future.
- 5) Plaintiff also seeks an award of attorney's fees and costs pursuant to 42 U.S.C. §1983.

WHEREFORE, Plaintiff Mary Sykes prays judgment against Defendants for compensatory damage in an amount which is fair and reasonable in excess of \$25,000 for punitive damages in order to punish all Defendants and to deter them and others similarly situated from like conduct in the future, and for costs of this action, her attorney's fees, and for such other and further relief as the Court deems proper under the circumstances.

Count 4 - §1983 Claim for Conspiracy to Violate Plaintiff's Civil Rights Against Sylvester Caldwell, Brian Cunningham, Raymond Winston, and Steven Blakely in Their Official and Personal Capacities

COMES NOW Plaintiff Mary Sykes, and for her cause of action against Defendants Sylvester Caldwell, Brian Cunningham, Raymond Winston, and Steven Blakely, in their official and personal capacities, state as follows:

- 1) Plaintiff re-alleges and incorporates each and every allegation contained in Counts 1-3 of her petition, the same as if fully set forth herein.
- 2) As set forth above, Defendants Caldwell, Cunningham, Winston, Blakely, and other unknown officers of the Pine Lawn Police Department conspired and acted together in harassing and falsely arresting Plaintiff and members of her family. The Defendants

named in this count are jointly liable as co-conspirators for the overt acts in furtherance of their conspiracy to violate Plaintiff's constitutional rights.

- 3) Defendant's named in this count engaged in multiple overt acts in furtherance of their scheme and these acts resulting in Defendant's wrongful and false arrest, the posting of bonds by Defendants, and repeated harassment of Plaintiff and her family:
 - a. Entry and search of Plaintiff's residence without probable cause or warrant;
 - b. Arrest of Plaintiff and members of her family without probable cause;
 - c. Plaintiff was made to post bond to secure her release as a result of being falsely arrested; and
 - d. Plaintiff and her family were subjected to repeated harassment through threats of eviction, arrest, surveillance, and physical harm.
- 4) Plaintiff was deprived of constitutional rights and privileges as a result of said conspiracy, in that she was deprived of her constitutionally protected due process rights to be free from illegal search, arrest, and the right to peaceful enjoyment of her demised premises.
- 5) All Defendants named in this Count acted with intent to deprive Plaintiff of the constitutional rights and privileges.
- 6) The acts of all Defendants named in this county as set forth above were intentional, wanton, malicious, evil and oppressive, and/or exhibited a reckless indifference to the federally and state protected rights of Plaintiff, thus entitling Plaintiff to an award of punitive damages against Defendants Caldwell, Cunningham, Winston, and Blakely in order to punish and to deter them and others similarly situated from like conduct in the future.

7) Plaintiff also seeks an award of attorney's fees and costs pursuant to 42 U.S.C. §1983.

WHEREFORE, Plaintiff Mary Sykes prays judgment against Defendants Caldwell, Cunningham, Winston, and Blakely for compensatory damages in an amount in excess of \$25,000 which is fair and reasonable, for punitive damages in order to punish Defendants Caldwell, Cunningham, Winston, and Blakely and to deter them and others similarly situated from like conduct in the future, and for costs of this action, her attorney's fees, and for such other and further relief as the Court deems proper under the circumstances.

Respectfully Submitted,

BELL, KIRKSEY & ASSOCIATES

/s/ Charles E. Kirksey Jr.

CHARLES E. KIRKSEY, JR. - 24792

ATTORNEY FOR DEFENDANT

7382 Pershing, 1 W

St. Louis, Missouri 63130

(314) 863-5001

(314) 869-5007/fax

I certify and attest that the above is a true copy of the original record of the Court in case number 14SL-CC04108 as it appears on file in my office.



Issued

March 12, 2015

JOAN M. GILMER, Circuit Clerk
St. Louis County Circuit Court

By

Sarah E. Felt
Deputy Clerk